

day, January 22, 1947 until Monday, January 27, 1947.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Message from the Governor**

Austin, Texas,  
January 22, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with reference to the following appointments:

To be Secretary of State:

Colonel Paul H. Brown of Harlingen, Cameron County.

To be a member of the Railroad Commission for the term to expire December 31, 1948:

William J. Murray of Houston, Harris County.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

**House Concurrent Resolution 9**

The President laid before the Senate for consideration at this time:

H. C. R. No. 9, Granting each House permission to adjourn from Wednesday, January 22, 1947, until Monday, January 27, 1947.

The resolution was read.

On motion of Senator Winfield, and by unanimous consent, the resolution was considered immediately and was adopted.

**Senate Concurrent Resolution 4**

Senator Taylor offered the following resolution:

S. C. R. No. 4, Inviting Governor Beauford H. Jester to address the Legislature.

Whereas, The Honorable Beauford H. Jester is duly inaugurated as Governor of Texas; and

Whereas, The constitution and laws of this State require that he shall make such recommendations as he deems advisable to the Legislature; and

Whereas, The members of the Senate and House of Representatives will be very happy to hear an address of his Excellency, the Honorable Beauford H. Jester, the Governor of Texas; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives, concurring, that the Honorable Beauford H. Jester be invited to address a Joint Session of the House of Representatives and Senate at 11:00 o'clock a. m., Tuesday, January 28, 1947.

The resolution was read.

On motion of Senator Taylor, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

**Hour for Executive Session**

Senator Brown asked unanimous consent that the Senate hold an Executive Session at 11:00 o'clock a. m., Monday, January 27, 1947.

There was no objection offered.

**Adjournment**

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m., Monday.

Senator Moffett moved that the Senate adjourn until 10:30 o'clock a. m., Monday.

Question first recurring on the motion of Senator Moffett, it prevailed.

The Senate, accordingly, at 12:00 o'clock m., adjourned until 10:30 o'clock a. m., Monday, January 27.

**SEVENTH DAY**

(Monday, January 27, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of proceedings of Wednesday, January 22, 1947, was dispensed with and the Journal approved.

#### Employees Assignment Committee

In accordance with the provisions of S. R. No. 2, the President announced the appointment of the following Committee:

Senator Aikin, Chairman; Senators Carney, Harris, Taylor and Winfield.

#### Senate Concurrent Resolution 5

Senator Phillips offered the following resolution:

S. C. R. No. 5, Inviting Honorable Clinton P. Anderson to address a Joint Session of the Legislature.

Whereas, the Honorable Clinton P. Anderson, Secretary of Agriculture of the United States will be in Galveston on the night of January 28; and

Whereas, this distinguished member of the Cabinet is a citizen of our neighbor State of New Mexico and in both capacities

Whereas, he is both a distinguished member of the Cabinet and an honored citizen of our neighbor State of New Mexico and in both capacities holds the interest and respect of the citizens of this State; and

Whereas, it would be a pleasure and privilege for the Fiftieth Legislature of the State of Texas to have him address a joint session; now, therefore, be it

Resolved, by the Senate of the Fiftieth Legislature of Texas, the House of Representatives concurring, that a cordial invitation be extended to the Honorable Clinton P. Anderson to address a joint session to be held for that purpose at any time after January 28 at the convenience of Secretary Anderson, whether during his present visit to this State or during any other visit he may make during the course of the present session of this Legislature.

The resolution was read.

On motion of Senator Phillips, and

by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

#### Senate Concurrent Resolution 6

Senator Phillips offered the following resolution:

S. C. R. No. 6, Requesting the Highway Commission to remove toll charge from Bolivar Ferry, located at Galveston, Texas.

Whereas, the Highway System of Texas contains 26,582.82 number of miles, including crossings, spanned by bridges and ferries; and

Whereas, there is no toll charge being assessed upon any highway bridge or ferry on the entire Texas Highway System other than the toll charge which is now being made on the State Highway Ferry at Port Bolivar in Galveston County; and

Whereas, the people of Galveston County are entitled to the same free service that is being rendered by Texas Highway facilities in other districts; and

Whereas, there is a demand by the people of Galveston County that this toll charge be removed; and

Whereas, the Highway Commissioners have expressed themselves as opposed to the principle of toll charges on State owned and operated highway crossings; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, that it be recommended to the Highway Commission that the toll charge on the State owned and operated Bolivar Ferry in Galveston County be removed.

The resolution was read.

On motion of Senator Phillips, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted.

#### Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read severally first time, and referred to the committees indicated:

By Senator Stanford:

S. B. No. 72, A bill to be entitled "An Act making a supplemental emergency appropriation for the Industrial Accident Board for the balance of the fiscal year ending August 31, 1947, being an appropriation in addition to

other appropriations heretofore made, and to be available immediately and declaring an emergency."

To Committee on Finance.

By Senator Stanford:

S. B. No. 73, A bill to be entitled "An Act making certain emergency appropriations for the State Board of Hairdressers and Cosmetologists for the remainder of the current fiscal year ending August 31, 1947; and declaring an emergency."

To Committee on Finance.

By Senator Kelley of Hidalgo:

S. B. No. 74, A bill to be entitled "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all State ad valorem taxes for general revenue purposes levied or to be levied on property in said county, including the rolling stock of railroads and three-fourths of the State occupation taxes, for the years 1924 to 1958, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 75, A bill to be entitled "An Act providing for more equitable salaries for elective county superintendents of public instruction in all populous rural counties in Texas having a total assessed valuation of at least Twenty-four Million and One (\$24,000,001) Dollars but less than Fifty Million and One (\$50,000,001) Dollars; providing for office and travel expense of said superintendents; authorizing the employment of assistants to the superintendents and fixing the salary of said assistants; defining the term populous and rural; repealing all laws in conflict therewith; and declaring an emergency."

To Committee on Education.

By Senator Kelley of Hidalgo:

S. B. No. 76, A bill to be entitled "An Act amending Chapter 509, Acts

of the 47th Legislature, Regular Session of 1941, relating to the acquisition of and payment for causeways, bridges and tunnels by certain counties in Texas, so as to eliminate certain restrictions as to the location of such causeways, bridges and tunnels, and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 77, A bill to be entitled "An Act amending Section 1 and Section 6 of Chapter 35, Acts of the Regular Session of the Thirty-ninth Legislature of the State of Texas, relating to the remission of certain taxes to the Counties of Willacy and Cameron for flood protection by changing the period in said Act from twenty-five (25) years to forty (40) years; and declaring an emergency."

To Committee on State Affairs.

By Senator Kelley of Hidalgo:

S. B. No. 78, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a vegetable breeding laboratory at Winter Haven, Texas, defining the purpose of said laboratory, making an appropriation for the purposes of said laboratory, and declaring an emergency."

To Committee on Finance.

By Senators Bullock and Harris:

S. B. No. 79, A bill to be entitled "An Act to define and regulate the practice of Chiropractic; to create the Texas Board of Chiropractic Examiners, prescribing its qualifications, powers and duties; to provide for the registration, examination and re-examination of applicants and the issuance of licenses and certificates; to provide the qualifications of applicants; to provide for the granting of licenses by reciprocity; to provide that the District Clerk of each county shall keep a record; to make it unlawful to practice without annual registration; to exempt chiropractors by amending Article 740 of the Penal Code and Article 4504, Revised Civil Statutes, Texas; to amend Article 741 of the Penal Code and Article 4510 of the Revised Civil Statutes of Texas; to provide fees for the payment of expenses of the Board and for the disbursement thereof; to provide for the revocation or supervision of licenses to practice Chiropractic and

for the enforcement of this Act; to fix penalties for the violation of this Act; to provide for a seal to be used by the Board; to repeal all laws in conflict; to provide that if any part is held unconstitutional it shall not invalidate any other part; and to declare an emergency."

To Committee on Public Health.

By Senator Harris:

S. B. No. 80, A bill to be entitled "An Act to amend Subsection (b) of Section 3, Acts 1931, Chapter 282, Acts Regular Session, Forty-second Legislature, regulating the maximum height of vehicles unladen or with load; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Harris:

S. B. No. 81, A bill to be entitled "An Act to amend Section 1(g), Section 3, Section 7, Section 17 and Section 18 of Article 911b, Revised Civil Statutes of Texas, 1925, Acts 1931, Forty-second Legislature, Chapter 277, as amended, to enlarge the definition of the term "motor carrier" to include the transportation of motor vehicles on their own power or by the tow-bar, saddle mount, full mount or other similar method; to grant "grandfather" certificates of convenience and necessity or permits to persons engaged in such type of transportation on the 1st day of January, 1946, and who have been continuously engaged in good faith in such business since said date; providing for the filing of applications therefor within thirty (30) days from the effective date of this Act; providing for the payment of annual fees by such carriers; making it unlawful for motor carriers to operate certain vehicles without there being attached to and displayed on such vehicles identification plates furnished by the Commission and excepting certain vehicles from such requirements; fixing the fee for such plates; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Harris:

S. B. No. 82, A bill to be entitled "An Act to amend the statutes of the State of Texas relating to the computation of the reserves on policies and contracts issued by life insurance companies organized under the laws

of this State or authorized to transact business in this State by amending Articles 4688 and 4748 of the Revised Civil Statutes of Texas, 1925, and Section 5 of Chapter 101, Page 172 of the Acts of the Forty-second Legislature (Article 4764a, Section 5, Vernon's Civil Statutes of Texas Annotated); and declaring an emergency."

To Committee on Insurance.

By Senator Harris:

S. B. No. 83, A bill to be entitled "An Act to amend the statutes of the State of Texas relating to what a policy of life insurance shall contain by amending Sections 6, 7 and 8 of Article 4732 of the Revised Civil Statutes of Texas, 1925, and Subsection e, Section 2, Chapter 89 of the Acts of the Forty-seventh Legislature, (Article 4764b, Section 2, e, Vernon's Civil Statutes of Texas Annotated); and providing that this Act shall take effect January 1, 1948; and declaring an emergency."

To Committee on Insurance.

By Senator Hazlewood:

S. B. No. 84, A bill to be entitled "An Act amending General and Special Laws, 45th Legislature, Regular Session, 1937, Chapter 125, Page 229, by adding a new section between Section 3 and Section 4 to be known as Section 3a providing that a portion of a general pension fund for city employees shall be set aside and made a part of the Firemen's Relief and Retirement Fund; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senators Taylor and Aikin:

S. B. No. 85, A bill to be entitled "An Act amending Chapter 234, General Laws enacted by the Forty-ninth Legislature, at its Regular Session in 1945 (Article 2815j-2, Vernon's Revised Texas Civil Statutes), by adding thereto a new section to be numbered Section 3a, making an emergency appropriation for the support, maintenance, operation, and improvement of the Public Junior Colleges which have been created and established since the biennial appropriation made by the Forty-ninth Legislature in 1945; providing that said appropriation shall be governed by all the applicable provisions of the Act hereby amended; providing a sav-

ing clause; and declaring an emergency."

To Committee on Finance.

By Senator Carney:

S. B. No. 86, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, as amended by House Bill No. 222, Chapter 254, Acts of the Regular Session of the Forty-first Legislature, as amended by Chapter 137, Section 1 of the General Laws of the Regular Session of the Forty-second Legislature, Acts of 1931, and as further amended by House Bill No. 335, Chapter 215, Acts of the Regular Session of the Forty-seventh Legislature, relating to the appointment of assistant district attorneys and special investigators in any judicial district in this state consisting of more than one county in which there is situated a city of not less than thirty-four thousand (34,000) nor more than forty-four thousand (44,000) people, or a city other than the county seat of such county, situated at the State boundary line, containing a population of not less than seventeen thousand (17,000) population, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Carney:

S. B. No. 87, A bill to be entitled "An Act amending Article 5156, Revised Civil Statutes of 1925, to allow an employer fourteen (14) days in which to pay an employee leaving his employment or discharged therefrom; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Carney:

S. B. No. 88, A bill to be entitled "An Act amending Chapter 4 of Title 8 of the Code of Criminal Procedure by adding thereto Art. 632a providing that in the formation of juries the prospective jurors on their voir dire examination shall be examined by all parties collectively unless otherwise ordered by the court and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney: :

S. B. No. 89, A bill to be entitled "An Act repealing Articles 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, and 551 of the Code of Criminal Procedure of Texas of 1925, being all of Chapter 8 of Title 7 of said Code; providing how and when continuances or reasonable postponements may be granted in the trial of criminal cases, the requisites of a first application in behalf of the defendant, the effect thereof providing for a contest of the truth of such applications, repealing all laws in conflict herewith; and declaring an emergency, and providing a saving clause."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 90, A bill to be entitled "An Act amending Art. 735, Code of Criminal Procedure of Texas 1925, providing that in criminal cases the deposition of witness may be taken at the request of defendant when the witness resides out of the State, or is aged or infirm or when the witness is sick or unable to attend court when the application to take the deposition of a witness who is sick and unable to attend court is accompanied by the affidavit of two licensed physicians showing the illness of such witness and his inability to attend court; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney: :

S. B. No. 91, A bill to be entitled "An Act amending Article 635 of the Code of Criminal Procedure providing for the number of peremptory challenges for both the State and the defendant in misdemeanor cases tried in the district court or in the County Court or County Court of law, and further providing for the number of challenges for both the State and the defendant for two or more defendants are tried together in either of such courts; and declaring an emergency."

Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 92, A bill to be entitled "An Act amending Art. 543 of the Code of Criminal Procedure providing what it shall be necessary to state in the application of defendant for a continuance if the same be on ac-

count of the absence of a witness, repealing Art. 544 of the Code of Criminal Procedure; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 98, A bill to be entitled "An Act amending Art. 615, Code of Criminal Procedure of Texas, 1925, so as to provide that in Capital Cases both State and defendant shall be entitled to 16 peremptory challenges and further providing that when two or more defendants are tried together the State shall be entitled to 8 peremptory challenges for each defendant and each defendant to 8 peremptory challenges and further providing that in capital cases where the death penalty has been waived by the State's attorney by filing his written waiver and which waiver has been approved by the Court both state and defendant shall be entitled to such number of peremptory challenges as is now provided by law in the trial of non-capital felony cases; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 94, A bill to be entitled "An Act amending Art. 588, Code of Criminal Procedure of Texas, 1925 so as to provide that at any time after the arrest of a defendant upon an indictment the defendant may obtain an order for special venire upon written motion supported by affidavit of himself or counsel stating that he expects to be ready for trial of the case at the present term of court and further providing that the State's attorney may obtain such order, upon oral or written motion and further providing that should the state's attorney file his statement in writing agreeing to waive the death penalty and if such waiver be approved by the Court neither the defendant nor the State shall be entitled to a special venire at that or any subsequent term of court and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 95, A bill to be entitled "An Act amending Art 596, Code of Criminal Procedure of Texas 1925,

so as to provide that in the formation of juries in capital cases the court may at any time order the sheriff to summons additional men for the formation of the jury, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 96, A bill to be entitled "An Act amending Article 634 of the challenges in non capital felonies Code of Criminal Procedure providing for the number of peremptory for both State and defendant in cases in which one defendant is tried or two or more defendants are tried together, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 97, A bill to be entitled "An Act amending Article 547 Code of Criminal Procedure, 1925, so as to provide that any material fact stated in an application for a continuance may be denied in writing by the adverse party. The denial shall be supported by the oath of some credible person, and filed as soon as practicable after the filing of such application.

To Committee on Criminal Jurisprudence.

By Senator Carney:

S. B. No. 98, A bill to be entitled "An Act amending Article 522 of the Code of Criminal Procedure of Texas of 1925 so as to provide that motions to quash and set aside indictments or information, exceptions to the form or substance of indictments or informations, applications for change of venue, plea of former jeopardy, affidavit setting forth the insanity of the defendant, a claim of racial discrimination in the selection of a jury or grand jury, and wherever possible or practicable, all other motions and special pleas, regardless of the kind or character, shall be filed and presented to the court at least three full days prior to the date the cause has been set for trial and not afterwards, repealing all laws or parts of law in conflict therewith, providing that the invalidity of any part shall not affect the remainder, and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Weinert:

S. B. No. 99, A bill to be entitled "An Act providing that it shall be unlawful to kill wild turkey in Comal and Guadalupe Counties for a period of five (5) years from and after the passage of this Act, repealing all conflicting laws; providing a suitable penalty; and declaring an emergency."

To Committee on Game and Fish.

By Senator Stewart:

S. B. No. 100, A bill to be entitled "An Act to amend Article 6626 of the Revised Statutes of Texas, 1925, as amended by Chapter 217, Acts of the Regular Session of the Forty-second Legislature in 1931, relative to the filing and recording of instruments of writing, maps and plats, so as to provide the prerequisites for filing, recording and approving maps and plats subdividing or resubdividing real estate; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Stewart:

S. B. No. 101, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as "Subdivision 106," providing for the creation of private corporations for the purpose of operating a general commissary business and to buy, sell, and otherwise deal in goods, wares, merchandise, and equipment incident to such business, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Stewart:

S. B. No. 102, A bill to be entitled "An Act providing that any independent school district in this State, whether created by general or special law or laws, having a limitation upon the tax rate may be levied and collected in any one year for maintenance purposes and for obtaining funds for the purchase of grounds for public schools and for constructing, remodeling, equipping and repairing public school buildings which is less than one and 50/100 (\$1.50) Dollars on the One Hundred \$(100.00) Dollars valuation of taxable property subject to taxation in said district, shall hereafter be authorized and have the power to

levy and cause to be collected, when authorized by a majority of the property taxpaying voters of such school district qualified to vote under the Constitution and laws of this State at an election to be held for that purpose, a tax for such purposes not to exceed in any one year One and 50/100 (\$1.50) Dollars on the One Hundred (\$100.00) Dollars valuation of taxable property situated within said school district; repealing all laws and parts of laws, both general and special, only to the extent that they may be in conflict herewith, and declaring an emergency."

To Committee on Education.

By Senator Stewart:

S. B. No. 103, A bill to be entitled "An Act to amend Section 3, Senate Bill No. 247 of the Forty-fifth Legislature, Chapter 310, page 621, included as Section 3, Article 7047c, Vernon Annotated Civil Statutes, and providing that the discount of four per cent (4%) allowed to distributors in their purchase of cigarette tax stamps provided thereby shall be increased to a rate of six per cent (6%), and declaring an emergency."

To Committee on State Affairs.

By Senator Hazlewood:

S. J. R. No. 6, Proposing amendments to Sections 2, 4, 5, 6, 7, 24, 28 and 33 of Article III of the Constitution of the State of Texas, and adding additional sections thereto; amending Section 2, by providing that the House of Representatives shall consist of ninety-three (93) members and no more; amending Section 4, by providing that each member of the House of Representatives shall hold a term of office for a period of four (4) years from the date of their election; amending Section 5, by providing that the Legislature of Texas shall meet in regular session for a period of not to exceed one hundred and twenty (120) calendar days each year; amending Section 6, by providing as a qualification for the elections of the State of Texas that no person shall be a Senator without having been a resident of this State for a period of ten (10) years preceding his election, and by further providing that he shall be of the age of not less than twenty-eight (28) years; amending Section 7, by providing that no person shall serve as a Representative without

having been a resident of the State of Texas for a least five (5) years preceding his election, and shall have attained the age of twenty-four (24) years; amending Section 24, by providing that members of the Legislature shall receive from the public treasury an annual salary of four thousand dollars (\$4,000.00) per year, to be paid out of any funds on hand in the treasury of the State of Texas; amending Article III by adding a new section to be designated Section 24a prohibiting members of the Legislature from certain practices before State Boards and Departments, and from receiving anything of value for the passage or defeat of legislation; amending Section 28, by providing that the Legislature of the State of Texas shall, not later than the Fifty-second (52nd) regular session during the year 1951, apportion the State into Senatorial and Representative districts, agreeable to the provisions of Sections 25 and 26 of this Article, and further providing that if the Legislature of Texas fails to apportion the State during or before the end of the Fifty-second (52nd) regular session, and thereafter at its first regular session after the publication of each United States decennial census, then immediately following the close of any regular session after such United States decennial census that should fail to so apportion the State into Senatorial and Representative districts according to the provisions hereof, a committee composed of the Governor of Texas, the Attorney General of Texas, and the Chief Justice of the Supreme Court of Texas shall meet at the earliest possible date for the purpose of apportioning the State into Senatorial and Representative districts in keeping with the provision hereof, and filing the result of such apportionment with the Secretary of State; amending Section 33, by providing that all bills for raising the revenue may originate in either the House of Representatives or the Senate of the State of Texas; providing for the submission of said Constitutional Amendment to a vote of the people, appropriating funds to defray the expense of the proclamation, publication, and election hereof.

To Committee on Constitutional Amendments.

#### Executive Session

At 11:00 o'clock a. m. the President announced the hour previously set for

an executive session had arrived.

Accordingly, the President directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Secretary of State:

Colonel Paul H. Brown of Harlingen, Cameron County.

To be a member of the Railroad Commission for the term to expire December 31, 1948:

William J. Murray of Houston, Harris County.

#### In Legislative Session

The President called the Senate to order, as in Legislative session, at 11:30 o'clock a. m.

#### Senate Bill 23 on Second Reading

Senator Aikin moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 23 be taken up for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

#### Absent—Excused

Mauritz

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act validating the consolidation of certain common and independent



school districts where a majority of the qualified voters of each of the affected districts approved such consolidation at an election held for such purpose; validating the bonds of such consolidated districts and the proceedings had authorized same after such attempted consolidation; providing such validation shall not apply to districts now in litigation; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 23 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Knight	Winfield
Lane	York

Absent—Excused

Mauritz

The President then laid Senate Bill No. 23 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Brown
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Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Ramsey
Hardeman	Stanford
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Knight	Weinert
Lane	Winfield
Moffett	York

Absent—Excused

Mauritz

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
January 27, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 4, Inviting Hon. Beauford Jester, Governor of Texas, to address a Joint Session of the Legislature at 11:00 a. m., Tuesday, January 28, 1947.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

H. C. R. No. 9, Granting each House permission to adjourn.

#### Adjournment

On motion of Senator Ramsey the Senate, at 11:45 o'clock a. m., adjourned until 10:00 o'clock a. m., tomorrow.

**In Memory of**  
**Honorable J. Franklin Spears**

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Senator Tynan offered the following resolution:

(Senate Resolution 18)

Whereas, On May 29, 1946, Texas lost one of her most distinguished and beloved citizens in the untimely death of J. Franklin Spears, State Senator from Bexar County; and

Whereas, J. Franklin Spears was born in Darlington, South Carolina, came to Texas in 1929 and entered the practice of law; and

Whereas, He was elected State Representative in 1934 and served during one session; he then was elected State Senator in 1936, the office in which he was serving with great distinction at the time of his death; and

Whereas, J. Franklin Spears not only was an outstanding statesman, but he also served his country in both World Wars. He served in World War II with great distinction, having received the rank of Lieutenant Colonel; and

Whereas, J. Franklin Spears championed the cause of Constitutional Rights, and the Good Neighbor Policy, and never forgot the little man; and

Whereas, J. Franklin Spears has passed from his earthly labors, his usefulness and aggressiveness will linger long in the hearts of his many friends; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the noble achievements of this able citizen, staunch friend, and former co-worker, whose death cut short a life of high public service, and who is well described as a brilliant and colorful character, superb orator, who was possessed with unabiding loyalty to his country, his state, and to those whom he loved; now, therefore, be it

Resolved, That we extend to the surviving members of his family our sincere sympathy, that a page be set aside in the Senate Journal as a memorial to him, that copies of this resolution be sent to the members of his family, and that when the Senate adjourns today it do so in respect and in memory of J. Franklin Spears.

TYNAN  
VICK

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Knight, Lane, Mauritz, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Tynan, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

**In Memory of**  
**Honorable Weaver H. Baker**

Senator Hardeman offered the following resolution:  
(Senate Resolution 19)

Whereas, Honorable Weaver H. Baker of Junction, Kimble County, Texas, departed this life on the 22nd day of September, 1946, and

Whereas, He was born on a farm near Jacksboro, Texas, on April 10, 1894 and moved with his parents to Kimble County, Texas, December 13, 1901 where he continued to reside until his death, and

Whereas, He attended the public free schools of the State and the University of Texas at which institution he was outstanding as a student as well as an athlete.

Shortly after the outbreak of the World War I he became the first volunteer in the Armed Forces from Kimble County, serving in the famed 36th and later in the 90th Divisions, and served as Judge Advocate of the Department of Texas, without compensation, during World War II.

Judge Baker was licensed to practice law on June 12, 1919 and was appointed County Attorney of Kimble County June 19, 1919 and was elected County Judge of Kimble County without opposition the following year and was reelected without opposition. He retired voluntarily and entered the private practice of law with the firm of Stevenson and Knetsch of which he became a member, and in which he continued until he was elected District Attorney of the 112th Judicial District and assumed his duties on January 1, 1931 and was thereafter returned to such office for five successive terms without opposition, resigning on January 1, 1942 to become a member of the State Board of Control and was chosen as its chairman in which capacity he served until his passing, and

Whereas, He was Chairman of the Board of Trustees of the Teacher's Retirement System and was a member of the Kimble County Bar Association, Travis County Bar Association, the State Bar of Texas and the American Bar Association, and was active in the County Judges and Commissioners Association and in the County and District Attorneys Association and was Attorney for the Texas Sheriff's Association and for the Texas Sheep and Goat Raisers' Association.

Judge Baker was an active member of the Baptist Church and a member of the Masonic Lodge. He was a devoted husband and father, a fine citizen and an outstanding public official whose kindness and courtesy endeared him to those with whom he came in contact and whose native and professional ability and achievements won for him the respect and confidence of both bench and bar and whose distinguished public service earned for him a high place in the affection and admiration of the people of his community and State; now, therefore be it

Resolved, By the Senate of Texas, that we extend to the surviving members of his family our sincere sympathy, that a page be set aside in the Senate Journal as a memorial to him and this resolution be printed, that thereon an official copy of this resolution be sent to each member of the family, and that when the Senate adjourns to day it do so out of respect to the memory of Weaver H. Baker.

HARDEMAN  
AIKIN  
WINFIELD

Signed—Allan Shivers, Lieutenant Governor; Senators Brown, Bullock, Carney, Chadick, Cousins, Crawford, Harris, Halzlewood, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Knight, Mauritz, Moffett, Morris, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Vick, Weinert, York.

The resolution was read.

On motion of Senator Hardeman, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

**In Memory of**  
**Honorable Jacob Jackson Loy**

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Senator Jones offered the following resolution:

(Senate Resolution 20)

Whereas, Texas is indebted to Tennessee for many of her statesmen and none performed more worthy service for his community than the late Jacob Jackson Loy, born in New Market, Jefferson County, Tennessee, on Independence Day, 1887, the son of Mr. and Mrs. Lewis Lafayette Loy. He came to Grayson County, Texas in 1909 where he became known by his innumerable North Texas friends as "the father of Grayson County";

Whereas, Jake Loy served in the Texas Legislature from 1926 to 1930 and in the Texas Senate from 1930 to 1932 when he was elected County Judge of Grayson County. During Judge Loy's thirteen years' administration as Chief Executive Officer of his county, his work was marked by outstanding service in Juvenile Courts and general administration, particularly pertaining to County Highways. He was an authority on local and state government. He fought for Texas highways, for free bridges and for bond assumption laws. He served as President of the National Association of County Officials and President of the Texas Association of County Judges and Commissioners and also on the Advisory Council of the Texas Employment Association. Judge Loy took a great interest in civic affairs and made contributions to the welfare and wellbeing of Loy Park in Grayson County named in his honor. He was a member of the Travis Street Methodist Church in Sherman.

Whereas, The Almighty in His infinite wisdom called from this life on July 4, 1945, Judge Jake J. Loy, a former member of this body, and

Whereas, It is the desire of the membership of the Texas Senate to show suitable respect and reverence for this outstanding gentleman and statesman, and to acknowledge his fine qualities and his service to the people whom he served; now, therefore, be it

Resolved, That the Senate of Texas extend to his charming and beloved widow, sincerest sympathy for the loss of this great and good man and that a page be set aside in the Senate Journal as a memorial to him and this resolution be printed and that a copy be sent to members of the family and that when the Senate adjourns today, it do so out of respect to the memory of Jake J. Loy.

JONES  
MORRIS

Signed—Allan Shivers, Lieutenant Governor; Senators Aikin, Brown, Bullock, Carney, Chadick, Cousins, Crawford, Hardeman, Harris, Hazlewood, Kelley of Hidalgo, Kelly of Tarrant, Knight, Mauritz, Moffett, Lane, Parrish, Phillips, Proffer, Ramsey, Stanford, Stewart, Strauss, Taylor, Tynan, Vick, Weinert, Winfield, York.

The resolution was read.

On motion of Senator Jones, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.